

Notice of Allowability

Application No.

10/069,459

Examiner

Dah-Wei D Yuan

Applicant(s)

UCHIDA ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/5/04.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 26 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>05242004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

**METHOD FOR PRODUCING FILM ELECTRODE JOINTED PRODUCT AND
METHOD FOR PRODUCING SOLID POLYMER TYPE FUEL CELL**

Examiner: Yuan

S.N. 10/069,459

Art Unit: 1745

October 14, 2004

Detailed Action

1. The Applicant's amendment filed on August 5, 2004 was received. Claims 5-10,14,15 were amended.

2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on February 26, 2004.

Claim Rejections

3. The claim rejections under 35 U.S.C. 102(e) as anticipated by Grot on claims 1,2,11,12 are withdrawn because Applicant's arguments are persuasive.

Reasons for Allowance

4. Claims 1-15 are allowed. The invention of independent claim 1 recites a method for producing a membrane electrode assembly for solid polymer electrolyte fuel cell comprising the steps of (A) applying a first coating solution containing a catalyst 1 onto a base film to form a first catalyst layer, (B) applying a coating solution for forming an ion exchange membrane onto said first catalyst layer, (C) applying a second coating solution containing a catalyst 2 onto said ion exchange membrane to form a second catalyst layer, and (D) peeling off said base film from the laminate. The closest prior arts of record, Grot et al. and Allen et al., do not teach or suggest

the application of a second coating solution containing a catalyst 2 onto the ion exchange membrane as recited in the claim. The invention of independent claim 11 recites a method for producing a solid polymer electrolyte fuel cell comprising a membrane electrode assembly, said method comprising the steps of (A) applying a first coating solution containing a catalyst 1 onto a base film to form a first catalyst layer, (B) applying a coating solution for forming an ion exchange membrane onto said first catalyst layer, (C) applying a second coating solution containing a catalyst 2 onto said ion exchange membrane to form a second catalyst layer, and (D) peeling off said base film from the laminate. The closest prior arts of record, Grot et al. and Allen et al., do not teach or suggest the application of a second coating solution containing a catalyst 2 onto the ion exchange membrane as recited in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1745

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
October 14, 2004

A handwritten signature in black ink, appearing to read "Dah-Wei D. Yuan", with a stylized flourish extending to the right.